

**County of Loudoun**  
**Department of Planning**  
**MEMORANDUM**

**DATE:** December 7, 2009  
**TO:** Mike Elabarger, Project Manager, Land Use Review  
**FROM:** Pat Giglio, Planner III, Community Planning  
**SUBJECT:** SPMI 2009-0007 AGSI- Archer Property

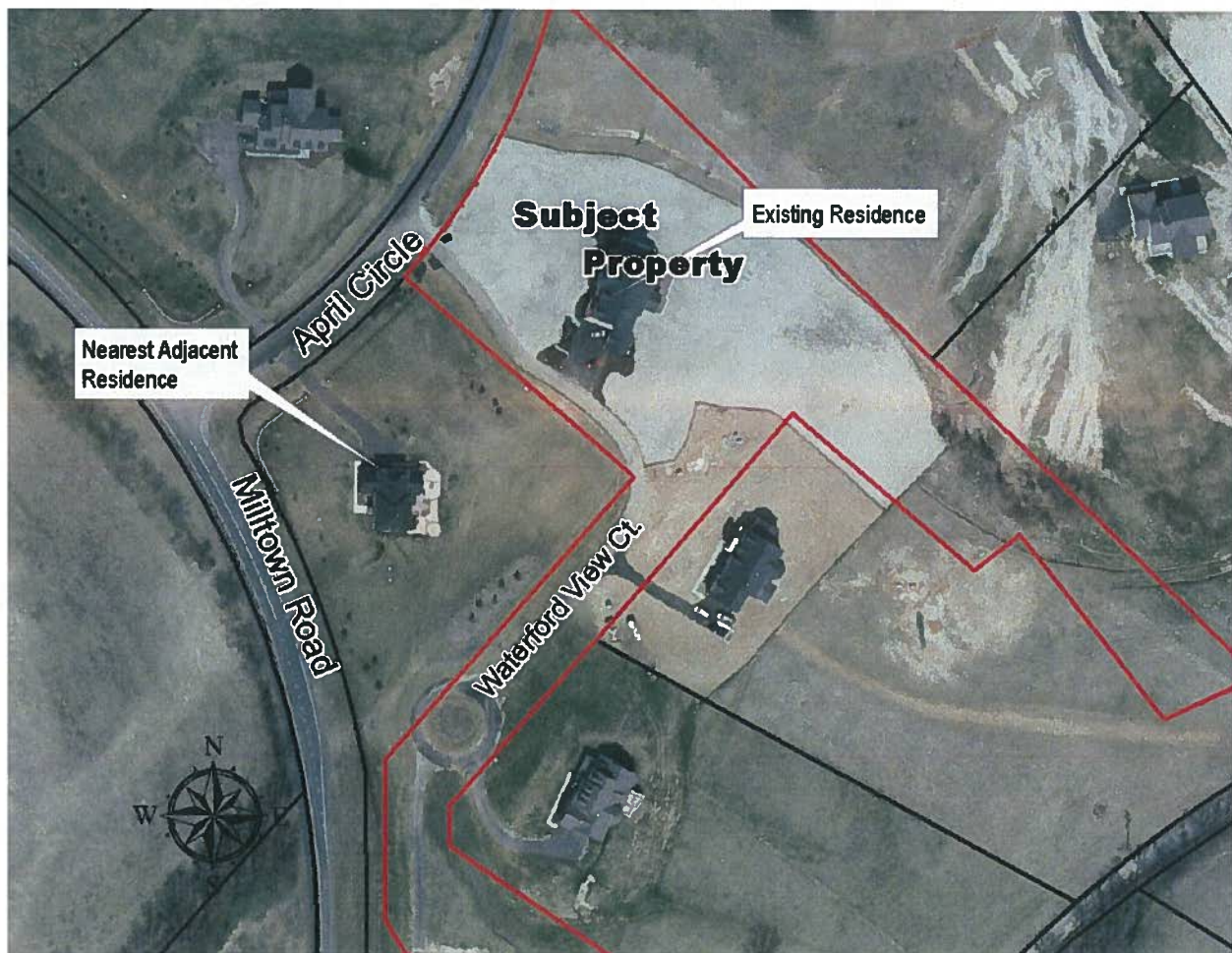


**EXECUTIVE SUMMARY**

The applicant, AGSI, LLC, is requesting a Minor Special Exception (SPMI) to allow the operation of a small business with up to six (6) employees from a private residence located within the Waterford View Estates subdivision southeast of the Town of Lovettsville. The 5.6 acre subject property is occupied by a 6,178 square foot single-family home and is surrounded by other similar sized single-family homes on lots ranging from three-to-six acres in size. The subject property is zoned AR-1 (Agriculture Rural-1) and is governed under the provisions of the Revised 1993 Zoning Ordinance. The applicant currently has an active "home occupation" permit for the operation of a government contracting business with up to one employee from the home. The policies of the Revised General Plan support the establishment of small businesses with the Rural Policy Area that are compatible in scale, use and intensity with the surrounding land uses. Staff finds the proposed use of the subject property and home for a "small business" may not be compatible with the residential character or primary residential uses of the surrounding properties within the existing subdivision. The Plan recommends that commercial uses that are not compatible with the dominant land-use pattern locate within the existing towns and villages.

**BACKGROUND**

The applicant, AGSI, LLC, is requesting a Minor Special Exception (SPMI) to allow the operation of a small business with up to six (6) employees from the applicant's home east of the Town of Lovettsville. The subject property, comprised of approximately 5.6 acres, is located within the Waterford View Estates subdivision at 13276 April Circle. The subject property is occupied by a 6,178 square foot single-family home with less than 1,000 square feet being utilized for the operation of the proposed small business. The subject property is accessed by a paved driveway from a paved private access easement also located on the subject property which serves three other homes. The subject property is surrounded by other similar sized single-family homes on lots ranging from three-to-six acres in size within the subdivision. The nearest adjoining homes are located 210' to the southwest and 248' to the southeast of the subject home.



The subject property is zoned AR-1 (Agriculture Rural-1) and is governed under the provisions of the Revised 1993 Zoning Ordinance. The applicant has an active “home occupation” permit for the operation of a government contracting business with up to one employee from the home. The applicant is requesting a Minor Special Exception to permit the operation of a “small business” with up to six (6) employees from the home. The use of the subject property for the proposed small business will utilize a portion of the existing single-family home and will require no land disturbance or impact on any aspects of the Green Infrastructure as outlined in the Revised General Plan.

#### **COMPREHENSIVE PLAN COMPLIANCE**

The subject property is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development at a density of 1 dwelling unit per 20 acres (Revised General Plan, Chapter 7, Rural Residential Policies, Policy 3). The Rural Residential, Rural Economy and Rural Land Use and Design policies of the Revised General Plan were used to evaluate the application.

## ANALYSIS

### LAND USE

The preservation and enhancement of the rural economy is a central focus of the rural strategy. The policies of the Revised General Plan support the establishment of business uses in the Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural land use pattern, and that promote opportunities for the expansion of the County's rural economic as well as environmental goals. The Plan identifies a variety of traditional and non-traditional rural business uses, which include crop and cattle production, the equine industry, animal husbandry, vineyards and wineries, horticulture and specialty farm products, farm markets and wayside stands, farm supportive businesses (welding, agricultural equipment sales, rental, and repair, veterinary services, product storage and supply) hospitality services (bed and breakfast enterprises, country inns, rural retreats and resorts), private camps and parks, **small businesses** [emphasis added], rural corporate retreats, small corporate office and training facilities, private conference centers, etc. which are appropriate in the Rural Policy Area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policies 5 & 6; Rural Economy Policies, Policy 8). The sustainability of all these rural business uses are dependent on the protection and preservation of the rural land base for its agricultural potential, scenic quality and rural character to support and enhance the rural economy.

The applicant is requesting a Minor Special Exception to permit the operation of a "small business" with up to six (6) employees from their 6,178 square foot single-family home located within Waterford View Estates subdivision. Less than 1,000 square feet of the home will be utilized for the operation of the proposed small business and the applicant has stated that all employees will park their personal vehicles in the homes garage. The Zoning Ordinance permits the by-right use of the subject property and single-family home as "home occupation" with up to one employee. However, the Zoning Ordinance requires that all properties that are less than 10 acres proposing a "small business" use be reviewed through a Minor Special Exception application. The Zoning Ordinance calculates the number of employees permitted for the operation of a "small business" based on the acreage of a property, the following table is an excerpt from the zoning ordinance.

**Standards and Restrictions for Small Business Uses (Section 5-614e)**

<b>Acreage</b>	<b>No. Employees</b>	<b>Acreage</b>	<b>No. Employees</b>
0-3 acres	1 maximum	10 but <50 acres	4 maximum
3 but <10 acres	3 maximum	50 acres or greater	10 maximum

The Zoning Ordinance through the Minor Special Exception process would permit up to three employees for the operation of a "small business" on the approximately 5.6 acre subject property. The applicant is requesting twice the number of employees specified by the Zoning Ordinance. Per the Zoning Ordinance the applicant would be required to have a minimum of 50 acres for the by-right operation of a "small business" with 6 employees, as currently purposed in this Minor Special Exception application.



The Rural Policies of the Revised General Plan, unlike the Zoning Ordinance, does not provide specific requirements for rural business uses, but instead states that rural business uses should meet “established performance criteria, including traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features) and pose no threat to public health, safety and welfare” (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6). The subject property is located in a rural subdivision where the primary use is residential. Given this, the number of employees and additional vehicular trip generation (employees and deliveries) associated with the proposed “small business” use on the subject property may not be compatible with the rural residential character or primary residential use of the surrounding properties. The Plan recommends that commercial uses that are not compatible with the dominant land-use pattern locate within the existing towns and villages, where the presence of adequate public facilities (water and wastewater), zoning, transportation and land resources exist to support non-residential activities (Revised General Plan, Chapter 7, Rural Economy Policies, Policy 14 and Chapter 10, Existing Villages, Policy 2). While Plan policies support the establishment of “small businesses” in the Rural Policy Area, they must also be compatible in scale, use and intensity with the surrounding land uses.

***Staff finds that the proposed use of the subject property for a “small business” is consistent with the type of land uses anticipated within the Rural Policy Area, however, additional consideration of the scale and intensity of the proposed use is required. Specifically, the number of employees and additional vehicular trip generation associated with the proposed “small business” use may not be compatible with the residential character or primary residential uses of the surrounding properties at the proposed scale and intensity, within the existing subdivision. The Plan recommends that these types of locate within the towns and villages within the Rural Policy Area.***

## **RECOMMENDATIONS**

The policies of the Plan support the establishment of small businesses with the Rural Policy Area that are compatible in scale, use and intensity with the surrounding land uses. Staff finds the proposed use of the 5.6 acre subject property and home for a “small business” may not be compatible with the residential character or primary residential uses of the surrounding properties within the existing subdivision. The Plan recommends that commercial uses that are not compatible with the dominant land-use pattern locate within the existing towns and villages. Staff is unable to support the proposed Minor Special Exception request to allow the use of the subject property for a small business with up to six (6) employees.

Staff would be happy to meet with the applicant to discuss issues raised above.

cc: Julie Pastor, AICP, Planning Director  
Cindy Keegan, AICP, Program Manager, Community Planning-via email